

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John David Fraser Art Unit : 1644
Serial No. : 10/516,813 Examiner : Amy E. Juedes
Filed : July 5, 2005
Title : Immunomodulatory Constructs and Their Uses

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOHN DAVID FRASER UNDER 37 C.F.R. § 1.132

I, John David Fraser, declare:

1. I am the sole inventor of the subject matter described and claimed in the above-captioned patent application.
2. I am also a co-inventor named in WO02/45739 filed on December 4, 2001 and claimed priority from US Provisional Patent Application 60/251,243, filed December 4, 2000. This reference was cited against the present application by the Examiner in the office action mailed August 7, 2008.
3. The relevant disclosure in WO02/45739, relied on by the Examiner to reject the present application, is my own work.
4. The other co-inventor named in WO02/45739 is Melissa Joy Nicholson. She did not make any conceptual contributions to the subject matter described and claimed in the present application. Ms. Nicholson therefore was not named as a co-inventor in this application, even though she was named as a co-inventor in WO02/45739.
5. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or


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Attorney's Docket No.: 55502-007US1
Client Ref. No.: MK505162-003

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 19th Sept 2008 .

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Fraser", is written over a horizontal line.

John David Fraser
Professor and Head of School of Medical Sciences
Faculty of Medical and Health Sciences
University of Auckland